

## **Table of Contents**

- ***Obama makes changes to faith-based partnerships***
  - ***Judge refuses to stop construction of Tenn. Mosque***
  - ***Rastafarian inmates no longer isolated over hair***
  - ***Court lets Vatican-sex abuse lawsuit move forward***
  - ***Supreme Court rules against Christian group that bars gays***
  - ***Oregon repeals KKK ban on religious clothing for teachers***
  - ***Suit over hijab may be settled***
  - ***Runaway Ohio girl to remain free of Muslim parents***
- 

## **Obama makes changes to faith-based partnerships**

AP (17.11.2010) / HRWF (22.06.2010) - Website: <http://www.hrwf.net> - President Barack Obama signed off Wednesday on what the White House says are significant improvements to federally funded partnerships between the government and religious-based and neighborhood organizations.

A religious watchdog group disapproved of some changes and said more should be done. The group, Americans United for the Separation of Church and State, welcomed Obama's decision to require federal agencies to provide alternatives for people who don't want to receive social services at a religious charity. It also welcomed a process to make these partnerships more open and transparent by requiring that organizations that accept federal funding be listed on government websites.

But Americans United said it was disappointed that the executive order Obama signed Wednesday will allow public money to go directly to houses of worship and permit publicly funded faith-based charities to display religious art, icons, scriptures and other symbols.

The order also does not address discrimination in hiring by faith-based charities that receive federal funds.

"At a time when jobs are scarce, it is especially troubling that qualified applicants can be rejected from government-funded positions because they don't go to the 'right' church," said the Rev. Barry W. Lynn, executive director of Americans United.

Lynn served on a task force created by a presidential advisory council that recommended the changes Obama adopted.

The council was not asked to review the issue of religious hiring, said Melissa Rogers, director of the Center for Religion and Public Affairs at the Wake Forest University School of Divinity and a member of the council. The issue is being handled through a separate process.

Rogers said the changes are a "huge step forward" toward respecting principles of religious liberty.

With the executive order "we are strengthening and clarifying the legal footing of the government's relationship with faith-based organizations and underscoring the important role of these organizations in serving individuals, families and communities in need," said Joshua DuBois, executive director of the White House Office of Faith-Based and Neighborhood Partnerships.

Among other recommendations, the advisory panel said the government should make clear that decisions about which groups receive funding must be free from political interference or the appearance of such influence. Faith-based groups also may keep religious terms in their names.

---

## **Judge refuses to stop construction of Tenn. Mosque**

Lucas L. Johnson II

AP (17.11.2010) / HRWF (22.06.2010) - Website: <http://www.hrwf.net> - A judge refused Wednesday to stop construction of a proposed mosque in Tennessee that was opposed by some local residents who tried to argue that there was a conspiracy by Muslims to impose extremist law on the United States.

Opponents filed a lawsuit claiming that Rutherford County planning officials violated Tennessee's open meetings law when they approved the site plan for an Islamic Center in Murfreesboro, about 30 miles southeast of Nashville.

Rutherford County Chancellor Robert Corlew ruled after closing arguments that he could not find that the "county acted illegally, arbitrarily or capriciously" in approving the plan. But much of the questioning from plaintiffs' attorney Joe Brandon Jr. during seven days of testimony since late September was about whether Islam qualified as a religion. He pushed his theory that American Muslims want to replace the Constitution with extremist Islamic law.

Corlew said there was some concern about the public notice requirements and suggested county or state officials look at those requirements. But he said the court did not find that members of the Islamic Center of Murfreesboro adhered to extremist religious ideas. Mosque leaders want to expand their facilities to accommodate a growing congregation and currently the proposed site is being prepared but no construction has started. Federal investigators are looking into a dump truck that was set on fire at the construction site earlier this year and twice the sign announcing the future site of the new Islamic center was vandalized.

Brandon had his hands on his face and at times was bent over the desk during the judge's ruling. Afterward he briskly walked out of the courtroom without addressing the media.

Laurie Cardoza-Moore, who opposes the mosque but was not among the plaintiffs, said the plaintiffs are disappointed with the judge's decision. However, she said the judge did recognize some of their concerns regarding notification of public meetings.

"We felt like the judge did hear us on those issues," she said.

During the testimony, witnesses pointed out that Islamic Center of Murfreesboro board member Mosaad Rowash previously had pro-Hamas postings on his MySpace page, something the mosque's leaders have not denied. The U.S. government considers Hamas, a Palestinian Islamic political party with an armed wing that has attacked Israel, a terrorist organization.

But Corlew said the actions of individuals associated with the mosque was poor judgment.

Brandon said before the ruling that the dispute would continue, however the judge rules. "If the court rules against us, we're not going to stop," he said.

Cardoza-Moore said the legal team would meet with the plaintiffs to decide the next course of action.

Jim Cope, the attorney for the county, said they will be prepared for any further challenges.

"We will continue to defend the county's rights and interests in seeing the actions that we took were upheld appropriately," he said.

Layla Hantouli, a 22-year-old Muslim woman who has been following the testimony, was glad the judge ruled against the mosque opponents.

"The Islamic Center of Murfreesboro is not promoting anything violent or anything unlawful," she said.

---

## **Rastafarian inmates no longer isolated over hair**

Dena Potter

AP (17.11.2010) / HRWF (22.06.2010) - Website: <http://www.hrwf.net> - Many Rastafarians and other inmates in Virginia who have spent years in isolation for refusing to cut their hair were moved to a prison where they can live together, the state Corrections Department said Wednesday.

The Associated Press reported in June that 48 inmates were being held in segregation for ignoring the state's grooming policy, which bans beards and calls for hair to be kept above the shirt collar.

Department of Corrections spokesman Larry Traylor told AP that 31 inmates were transferred to Keen Mountain Correctional Center in southwestern Virginia late last week. The change was made to "better manage and utilize critical bed space" because the offenders will be held two to a cell instead of just one, Traylor said.

"While there remains a need for consequences when offenders choose not to adhere to VADOC policy, it was determined that offenders whose only offense is failure to comply with the grooming policy should be housed and managed separately from the general population but did not require housing in segregation," Traylor said.

Inmates will not have all the privileges of the prison's general population, but they are allowed to move inside their unit, more personal property, and educational and other programs.

Traylor said in June the policy was needed to prevent inmates from hiding weapons and drugs in their long hair or beards, and also to keep them from quickly changing their appearance if they escape. At least 10 Rastafarian inmates, who view growing their hair unbridled, typically in dreadlocks as a tenet of their religion, have been in isolation since the policy was enacted in 1999.

Traylor said about 300 inmates identified themselves as Rastafarians, and only 13 are out of compliance with the grooming standards. Inmates will continue to have their heads shaved when they enter prison, Traylor said.

"It should not have taken eleven years, but DOC is finally realizing that there was never any need to punish these prisoners because of their religious beliefs," said Kent Willis, executive director of the American Civil Liberties Union of Virginia.

The Virginia ACLU represented a group of Rastafarian and Muslim inmates who unsuccessfully challenged the policy in 2003.

Virginia is among only about a dozen states, mostly in the South, that limit the length of inmates' hair and beards, according to the American Correctional Chaplains Association. A handful of those allow accommodations for those whose religious beliefs prohibit cutting their hair. There is no hair policy for federal prisoners.

"Being isolated in such a fashion for years, even while inside prison, is beyond the pale of a civilized society," said Evans Hopkins, a former prisoner, award-winning writer and close friend to Rastafarian inmate Ivan Sparks, who died last year while in segregation. "I hope the DOC will continue to try to work these men back into the general population, and prepare them for release."

Others who have fought against the policy for years were not as pleased.

"I'm going to remain hopefully optimistic that this may prove to be better, but I don't quite know yet," said Janet Taylor, whose Rastafarian name is "Queen Nzinga."

Taylor said some inmates who have spent 11 years in segregation may have problems adjusting to having a cellmate, and the time in isolation may have taken a mental toll on the inmates.

---

## **Court lets Vatican-sex abuse lawsuit move forward**

By Rachel Zoll

AP (29.06.2010) / HRWF (30.06.2010) - Website: <http://www.hrwf.net> - A lawsuit against the Vatican that had been dismissed as a publicity stunt moved forward when the U.S. Supreme Court refused to hear an appeal from the Holy See. Monday's development represents a significant advance for what many believed to be a long-shot claim that the Vatican bears legal responsibility for molester priests.

The high court's decision not to stop the lawsuit means the clergy sex abuse case will go to trial in an Oregon district court.

"I have known for 25 years that all roads lead to Rome," said Jeff Anderson, the Minnesota attorney who represents the plaintiff. "This is the beginning for us of a new journey, a uniquely difficult odyssey."

Anderson, who has represented hundreds of abuse victims and has tried for years to sue the Vatican, said he hoped to persuade a judge that he should be allowed to depose Vatican officials.

Jeffrey Lena, the American attorney for the Holy See, argued the Vatican is not responsible for individual priests in dioceses, saying the existence of the priest in the case "was unknown to the Holy See until after all the events in question."

The original lawsuit, *John V. Doe v. Holy See*, was filed in 2002 by a Seattle-area man who said the Rev. Andrew Ronan repeatedly molested him in the late 1960s. Anderson argues in the case that priests are Vatican employees for the purpose of American law. If the trial judge agrees, that would constitute an exception to the Foreign Sovereign Immunity Act, under which the Vatican has been immune from the jurisdiction of U.S. courts.

A lower court judge previously ruled there could be enough of a connection between the Holy See and Ronan for him to be considered a Vatican employee under Oregon law. That ruling was upheld by the 9th U.S. Circuit Court of Appeals.

Lena had asked the federal courts to throw out the lawsuit.

"The Holy See does not pay the salary of the priest, or benefits of the priest, or exercise day-to-day control over the priest, and any of the other factors indicating the presence of an employment relationship," Lena said.

According to the lawsuit, Ronan, who belonged to a religious order, began abusing boys in the mid-1950s as a priest in the Archdiocese of Armagh, Ireland. He was transferred to Chicago, where he allegedly admitted abusing three boys at St. Philip's High School.

Ronan was later moved to a parish in Portland, Ore., where he was accused of abusing the person who filed the lawsuit now under appeal. He was removed from the priesthood in 1966, according to the Archdiocese of Portland, and died in 1992.

The Obama administration had sided with the Vatican on the issue of sovereign immunity.

The acting U.S. solicitor general, the U.S. State Department and the U.S. Justice Department filed a brief with the Supreme Court arguing that the case does not meet the standard for an exception to immunity.

Douglas Laycock, a religious liberty specialist at University of Michigan Law School, said the brief will be influential as the case proceeds.

"The courts give substantial weight to the State Department's views on foreign sovereign immunity issues," Laycock said.

In 2005, the administration of President George W. Bush argued the pope should have immunity from a lawsuit accusing him of conspiracy to hide abuse because the pontiff is an acting head of a foreign state. Soon after, a federal judge dismissed the case.

However, Steve Rubino, a New Jersey attorney who has represented abuse victims since the 1980s, argued that the court could react differently now that the scope of clergy sex abuse is better known. The case against the Vatican is proceeding as European churches, Vatican officials and Pope Benedict XVI are engulfed by the latest crises over clergy sex abuse.

Rubino said that when he first took up abuse cases, diocesan attorneys often won by arguing that First Amendment religious freedom protections meant that civil courts could not interfere in church business. That approach rarely works any more.

"The world has been affected by a slow realization of the depth of the scandal," Rubino said. "Judges react the same way. People are tired of this."

A separate lawsuit filed in Louisville, Ky., and still in the courts, contends the Vatican is responsible for U.S. bishops who failed to stop priests from molesting children.

The case is Holy See v. John Doe, 09-1.

---

## **Supreme Court rules against Christian group that bars gays**

James Vicini

Reuters (28.06.2010) / HRWF (30.06.2010) - Website: <http://www.hrwf.net> - A university can legally deny recognition to a Christian student group that bars gays and nonbelievers, the U.S. Supreme Court ruled on Monday in a case that pitted anti-discrimination principles against religious freedom.

U.S.

Such official recognition qualifies campus groups for funding and other benefits.

By a 5-4 vote, the justices upheld a U.S. appeals court ruling in favor of the University of California's Hastings College of the Law. It denied recognition to the group because of a school policy that membership should be open to all.

The high court's ruling was a defeat for the Christian Legal Society. It argued the U.S. Constitution does not allow a school to deny recognition to a religious student group which insists its members agree with its core views.

The group requires members to sign a statement of faith that vows devotion to Jesus Christ. It bars those with what it defines as a "sexually immoral lifestyle," including gays and lesbians.

Founded in 1961, the Christian Legal Society has law student chapters across the country. Its members hold Bible study meetings and discuss ways to apply their religious faith to the practice of law.

The Hastings College of the Law chapter initially was open to all students, but in 2004 began requiring members to endorse a statement of faith and barred anyone who engaged in "unrepentant sexual conduct."

The state-run law school in San Francisco cited its anti-discrimination policy and withdrew official recognition, though it allowed the group to continue to meet on campus.

The school said official campus groups may not exclude people because of religious belief, sexual orientation or other reasons.

A federal judge and then a U.S. appeals court ruled for the law school, holding that its policy was reasonable and that it did not violate the rights of the Christian group.

The Supreme Court, in a majority opinion written by Justice Ruth Bader Ginsburg, agreed.

Summarizing the ruling from the bench on the last day of the court's term, Ginsburg upheld the university's open-access policy and said other law schools have similar policies.

She said the university need not provide a religious-based exception to its policy that groups must open membership to all students who want to join.

Chief Justice John Roberts and Justices Antonin Scalia, Clarence Thomas and Samuel Alito dissented.

The Supreme Court case is *Christian Legal Society v. Martinez*, 08-1371.  
(Editing by Alan Elsner)

---

## **Oregon repeals KKK ban on religious clothing for teachers**

The Becket Fund (01.04.2010) / HRWF (02.04.2010) - Website: <http://www.hrwf.net> - Today, Oregon Governor Ted Kulongoski signed the repeal of a Ku Klux Klan-inspired law that forbade Oregon teachers from wearing religious dress in public schools. Under the 87-year old law, which was passed to prevent Catholic nuns from teaching in public schools, Orthodox Jewish teachers could not wear yarmulkes, Sikh teachers could not wear turbans, and Muslim women teachers could not wear headscarves.

The Oregon legislature moved to repeal the law after The Becket Fund for Religious Liberty and a coalition of interfaith, civil rights, and bar association organizations urged the immediate repeal of the discriminatory Oregon law in a letter to state legislative leaders.

"The Becket Fund was indispensable in getting this KKK law repealed, especially by discrediting some of the wilder legal claims made by opponents of the repeal," said Rajdeep Singh, Director of Law and Policy at The Sikh Coalition, a national Sikh civil rights organization. "Sikhs across the country are thankful for The Becket Fund's stalwart defense of religious freedom for all."

Led by the Oregon ACLU, many supporters of the ban on religious clothing claimed that allowing public school teachers to wear religious clothing would lead to the indoctrination of children in the classroom. In her Washington Post online column, Becket Fund Legal Fellow Asma Uddin took the ACLU to task for supporting a KKK law by using KKK tactics.

"Nebraska and Pennsylvania should follow Oregon's example and repeal their religious clothing bans immediately," said Eric Rassbach, National Litigation Director at the Becket Fund. "Anti-Catholic laws like these are Jim Crow's lesser-known cousins, and they make everyone, not just Catholics, less free."

Based in Washington, D.C., The Becket Fund for Religious Liberty is a non-profit, public-interest law firm dedicated to protecting the free expression of all religious traditions. The Becket Fund has a 15-year history of defending religious liberty for people of all faiths. Its clients have included Buddhists, Christians, Hindus, Jews, Muslims, Sikhs, Zoroastrians, and others. Its attorneys are recognized as experts in the field of church-state law.

---

## **Suit over hijab may be settled**

Oralander Brand-Williams

The Detroit News (04.02.2010) / HRWF (08.02.2010) - Website: <http://www.hrwf.net> - Email: [info@hrwf.net](mailto:info@hrwf.net) - The federal lawsuit against a local judge who ordered a Muslim

woman to remove her religious head covering last fall could be settled by a federal magistrate.

U.S. District Judge Marianne O. Battani on Wednesday ordered a settlement hearing by a federal magistrate in the case against Wayne County Circuit Judge William Callahan. The longtime judge is being sued by the woman and a local Muslim civil rights organization for allegedly violating her First Amendment rights.

Raneen Albaghdady of Dearborn says her religious rights were violated during a hearing last June when Callahan ordered her to remove her hijab.

"No hats allowed in the courtroom," Callahan told Albaghdady, who went before him for a name-change hearing last year.

Battani is expected to rule following a settlement hearing with Magistrate Virginia M. Morgan.

Callahan has contended that he did not know the head covering was a hijab and that Albaghdady did not tell him it had any religious significance.

Albaghdady, originally from Iraq, was not at Wednesday's hearing.

Farmington Hills attorney Nabih Ayad said Albaghdady did not speak up to the judge because she felt intimidated by his position.

But, said Ayad, the woman's husband told the judge "over and over" that the head covering was a hijab.

---

## **Runaway Ohio girl to remain free of Muslim parents**

AP (20.01.2010) / HRWF (25.01.2010) - Website: <http://www.hrwf.net> - Email: [info@hrwf.net](mailto:info@hrwf.net) - A runaway teenage girl from Ohio who converted from Islam to Christianity has reached a court settlement that allows her to remain free of her Muslim parents.

The agreement reached Tuesday says that 17-year-old Rifqa Bary will stay in a foster home under state custody in Columbus until she turns 18 in August, The Columbus Dispatch reported. After that, she'll be an adult and free to live where she chooses.

Bary's attorney read a statement in Franklin County Juvenile Court, saying that the girl and her parents love and respect each other and will try to resolve their differences through counseling.

Bary ran away to Florida last summer, saying she feared her father would harm or kill her for leaving Islam.

Her father denied the claim, and a law enforcement investigation found no credible threats to the girl.

---